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NOTICE OF ALLOWANCE AND FEE(S) DUE

49637 7590 11/03/2008

BERRY & ASSOCIATES P.C.
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LOS ANGELES, CA 90069

EXAMINER

PICHL, PONNORELAY

ART UNIT

PAPER NUMBER

2435

DATE MAILED: 11/03/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/727,984

11/30/2000

Steve Lemke

PALM-3280.US.P

6291

TITLE OF INVENTION: SECURITY TECHNIQUE FOR CONTROLLING ACCESS TO A NETWORK BY A WIRELESS DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/03/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

49637 7590 11/03/2008

**BERRY & ASSOCIATES P.C.
9255 SUNSET BOULEVARD
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LOS ANGELES, CA 90069**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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TITLE OF INVENTION: SECURITY TECHNIQUE FOR CONTROLLING ACCESS TO A NETWORK BY A WIRELESS DEVICE

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/03/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
PICH, PONNOREAY	2435	713-186000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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09/727,984	11/30/2000	Steve Lemke	PALM-3280.US.P	6291
49637	7590	11/03/2008	EXAMINER	
BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			PICH, PONNOREAY	
			ART UNIT	PAPER NUMBER
			2435	
DATE MAILED: 11/03/2008				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 871 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 871 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/727,984

Applicant(s)

LEMKE, STEVE

Examiner

PONNOREAY PICH

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/15/07.
2. ☒ The allowed claim(s) is/are 1-6 and 8-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Shawn Diedrich (Reg. no. 58,176) on 10/23/08. The amendments are to fix minor informalities. Claim 13 was also amended so that the wireless communication device of the claimed apparatus is more clearly defined as having a functional limitation that more clearly mirrors what is recited in independent claims 1 and 8. As per MPEP 713.04 a separate interview summary form is not provided since the substance of the interview has been summarized herein.

The application has been amended as follows:

THE FOLLOWING CLAIMS SHOULD BE AMENDED AS FOLLOWS:

1. (Currently Amended) A method for controlling access to a computer network, comprising:

gaining access to said computer network by use of a portable computing device;

reading biometric data peculiar to a user by the use of a biometric data reader

coupled to said portable computing device;

if no previously stored biometric data is stored in said portable computing device,

determining if said user of said portable computing device is authorized for network use;

acquiring new biometric data if ~~the~~ said user is authorized for network use;

storing said new biometric data;

comparing said biometric data peculiar to said user to previously stored biometric data stored in said portable computing device and said computer network for the purpose of identifying ~~the~~ said user, and wherein said previously stored biometric data is operable to be removed from said portable computing device on instruction by a remote station on said computer network, said remote station retaining a copy of said biometric data; and

denying further access to said computer network and said portable computing device if said comparing step fails to identify said user as an authorized user.

8. (Currently Amended) A method for controlling access to a portable computing device, comprising:

reading biometric data peculiar to a user;

if no previously stored biometric data is stored in said portable computing device, determining said user of said portable computing device is authorized for network use;

acquiring new biometric data if ~~the~~ said user is authorized for network use;

storing said new biometric data;

comparing said biometric data with previously stored biometric data for the purpose of identifying ~~the~~ said user, and wherein said previously stored biometric data is operable to be removed from said portable computing device on instruction by a remote station on a computer network, said remote station retaining a copy of said previously stored biometric data; and

preventing access to said computer network and said portable computing device if ~~the~~ said user is not identified as an authorized user and powering down said portable computing device.

13. (Currently Amended) An apparatus for controlling access to a computer network, comprising:

a computer network, said computer network comprising one or more computer workstations, wherein access to said computer network is provided by said one or more workstations upon authentication of biometric data from a user;

a portable computing device, said portable computing device providing wireless access to said computer network and wherein said portable computing device is powered down upon unsuccessful authentication of biometric data from said user;

a biometric data reading device coupled to said portable computing device;

a data storage device for storing biometric data capable of identifying one and only one user; and

a wireless communication device coupled to said computer network, capable of enabling the loading and removing of said biometric data stored in said portable computing device, and wherein said biometric data is operable to be removed from said portable computing device on instruction by one of said one or more workstations on said computer network, said one of said one or more workstations retaining a copy of said biometric data, and if no previously stored biometric data is stored in said portable computing device, determining if said user of said portable computing device is authorized for network use, acquiring new biometric data if said

~~user is authorized for network use, and storing said new biometric data. said wireless communication device configured to determine if user of said portable computing device is authorized for network use and acquiring and storing new biometric data if the user is authorized for network use.~~

14. (Currently Amended) An apparatus as in Claim 13 wherein said portable computing device ~~apparatus~~ comprises:

a bus;

a memory unit coupled to said bus;

a data storage device coupled to said bus, capable of storing said biometric data;

a biometric data reader coupled to said bus;

a communication device coupled to said bus for communicating with [[a]] said computer network; and

a processor coupled to said bus, said processor for performing a method for identifying [[a]] said user by use of said biometric data, said method comprising the steps of:

reading applicable biometric data; and

comparing said biometric data with said biometric data stored in said memory unit.

15. (Currently Amended) An apparatus as in Claim 14 wherein said portable computing device ~~apparatus~~ is a personal data assistant (PDA).

16. (Currently Amended) An apparatus as in Claim 14 wherein said biometric data ~~reader~~
reading device is implemented as part of the portable computing device apparatus.

22. (Currently Amended) An apparatus as in Claim 21 wherein said remote station is for
performing a method of network access control, said method comprising:

uploading said biometric data from said portable computing device apparatus;
downloading said biometric data to said portable computing device apparatus;
and erasing said biometric data from said portable computing device apparatus.

The following is an examiner's statement of reasons for allowance: Claims 1 and 8 are allowed because the prior art does not teach the steps of: "if no previously stored biometric data is stored in said portable computing device, determining if said user of said portable computing device is authorized for network use; acquiring new biometric data if said user is authorized for network use; storing said new biometric data". Claim 13 is allowed because the claimed apparatus comprises a wireless communication device that implements the above steps found in claims 1 and 8 that was indicated as the reason for allowance of claims 1 and 8. These limitations found in claim 13 have been treated as functional limitations as per MPEP 2173.05(g) and are interpreted as defining the wireless communication device recited in claim 13. The remaining claims are allowed because of dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PONNOREAY PICH whose telephone number is (571)272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ponnoreay Pich/
Examiner, Art Unit 2435
/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2431